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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,448	04/08/2002	Yasutaka Ito	217551US2PCT	4361
22850	7590	02/22/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				LAM, CATHY FONG FONG
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/019,448	ITO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Cathy Lam	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17,18 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17,18 and 20-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

In view of the amendment and remarks filed on December 10<sup>th</sup> 2004, the pending claims are continued to be unpatentable as following:

It is acknowledged by the examiner that there are some new claims added, applicant however is required to point out where in the specification that he newly added claims

were derived. ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 17-18 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdanski et al (US 6150636) in view of Katsuda et al (US 6294771).

Bogdanski teaches an electric heating plate comprised of a ceramic substrate (14) and a heating means (17) (or a resistance heating element).

The heating means (17) is applied to the underside of the ceramic substrate (col 3 L 50-54). The heating means (17) covers the whole bottom area of the ceramic substrate with a conductor material which can be a barium titanate (col 10 L 15-17 & L 42-45). The examiner takes the position that barium titanate is a particle or powder mixtures.

The ceramic substrate usually a circular disk, is a nitride or a carbide material with a thickness of between 2 and 4 mm (col 6 L 20-27 & col 8 L 5-9).

The heating means comprised of a multi-turn and/or spirally heating conductor path (col 9 L 6-10). The heating means (17) extends up to a distance from the outer rim or over the entire surface of the ceramic substrate (col 6 L 46-50).

There could be an aluminum oxide thin film coated onto the ceramic substrate before the heating means applies to the ceramic substrate (col 8 L 40-47). The examiner takes the position that this aluminum oxide thin film is the another layer as claimed in claim 23.

The ceramic substrate may include holes or openings for ventilation (col 10 L 38-40).

Bogdanski teaches the present invention but is silent about the diameter of the ceramic substrate, the resistance heating element is within 35 mm from the outermost edge of the ceramic substrate and the thickness of the resistance heating element.

Katsuda teaches a ceramic heater comprised of ceramic layers (2a,2b) and a resistance heating element (4).

The heating resistance element (4) is embedded in the backside surface of the ceramic layers (col 4 L 10-12).

The diameter of the ceramic substrate is 240 mm and the thickness of the ceramic substrate is 18 mm (col 6 L 67- col 7 L 1). The heating resistance element is a winding body of Molybdenum wire that has a wire diameter of 0.4 mm (ie. 400  $\mu\text{m}$ ) (col 6 L 56).

In view of the prior art teachings, one skill in the art would choose a workable thickness as well as other dimensional ranges because it is a matter of optimization scheme.

***Response to Arguments***

3. Applicant's arguments filed on December 10, 2004 have been fully considered but they are not persuasive. Applicant points out that Niwa reference is not a prior art due to the effective filing date was after the priority date of the present invention. Therefore, the rejection based on Niwa (US 6475606) has been withdrawn.

The pending claims are now rejected under Bogdenski et al (US 6150635) in view of Katsuda et al (US 6294771) both references have a effective filing date before the priority date of the present invention. Therefore, the rejection is believed to be appropriate.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy Lam whose telephone number is (571) 272-1538. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Cathy Lam*  
Cathy Lam  
Primary Examiner  
Art Unit 1775

cfl  
February 18, 2005